

REMARKS

This amendment is being filed in response to the Office Action dated October 15, 2009. Claims 1-3, 9-14, 17, 18, and 40-50 are pending in the present application, of which Claims 1 and 40 are the independent claims. Claims 1, 3, and 11 have been amended, Claims 40-50 have been added, and Claims 4-8, 15, 16, and 19-27 have been canceled without prejudice or disclaimer. Claims 28-39 were previously canceled. Support for the amendments and new claims can be found, for example, in the originally filed claims. Reconsideration of the application in view of the following comments is respectfully requested.

OATH/DECLARATION

The Office Action states the declaration filed February 12, 2007, is defective because it includes non-initialed and/or non-dated alterations. Applicants are in the process of obtaining a new executed Declaration that Applicants intend to file when completed. In a telephone conversation with Supervisory Examiner Corrine McDermott on January 14, 2010, Supervisory Examiner McDermott indicated examination of the application can continue while Applicants obtain the new Declaration. Accordingly, Applicants respectfully request the Examiner continue examination of the application while Applicants are in the process of obtaining the new Declaration.

DRAWINGS

The drawings are objected to because FIGS. 1A and 1B are difficult to view due to poor quality. Applicants have included a replacement drawing sheet including FIGS. 1A and 1B that addresses these deficiencies. Applicants respectfully request the objection to the drawings be withdrawn.

ALLOWABLE SUBJECT MATTER

The Office Action states Claims 5 and 6 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 1 to include the subject matter of Claim 5 and to address the rejections under 35 U.S.C. § 112, second paragraph. Applicants have added new Claim 40, which includes the subject matter of Claim 6 and the limitations of its base claim and addresses the rejections under 35 U.S.C. § 112, second paragraph.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 1-14, 17, and 18, are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Claim 1 was found to be indefinite, and Claims 4-7 were found to lack antecedent basis. Claim 25 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have canceled Claims 4-8, 15, 16, and 25, and amended the remaining claims to address the rejections under 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the rejection of Claims 1-3, 9-14, 17, and 18 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 102 and § 103

Claims 1-4, 7, 8, 10, 13-21, 24, 25, and 27, are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Appl. Pub. No. 2003/0009215 to Mayer (“Mayer”). Claims 9 and 26, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Mayer, in view of U.S. Pat. No. 6,767,360 to Alt (“Alt”). Claims 11 and 12, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Mayer, in view of Alt. Claims 22 and 23, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Mayer, in view of U.S. Pat. Appl. Pub. No. 2004/0193246 to Ferrera (“Ferrera”).

Without conceding the correctness of the rejections of the claims under § 102(e) and § 103(a), and in order to expedite prosecution, Applicants have amended the two currently pending independent claims, Claims 1 and 40, to incorporate the allowable subject matter of dependent Claims 4 and 5, respectively. Applicants therefore respectfully submit that the rejections of the claims under § 102(e) and § 103(a) are now moot.

NEW CLAIMS

Applicants have added new Claim 40, which includes the subject matter of Claim 6 and the limitations of its base claim and addresses the rejections under 35 U.S.C. § 112, second paragraph. New Claims 41-50 are believed to be in allowable condition because they depend from independent Claims 40, and for reasons of their additional patentable limitations

CONCLUSION

In view of the foregoing comments, it is respectfully submitted that the present application is fully in condition for allowance, and that such action is earnestly solicited. If any questions remain, however, the Examiner is cordially invited to contact the undersigned attorney so that any such matters may be promptly resolved.

Applicants respectfully submit that the claims are in condition for allowance and have made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicants' attorney, at the telephone number below, to resolve any such issues promptly.

Any remarks in support of patentability of one claim should not necessarily be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not necessarily be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully reserve the right to traverse any of the Examiner's rejections or assertions, even if not discussed herein.


Applicants respectfully reserve the right to challenge later whether any of the cited references are prior art. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicants reserve the right to contest later whether a proper reason exists to combine prior art references.

Application No.: 10/578,806

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Respectfully submitted,

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